

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NICHOLAS ELY,

Petitioner,

vs.

TODD WASMER, Warden Tecumseh
Correctional Institution and ROB
JEFFREYS, the Director of the Nebraska
Department of Correctional Services,

Respondents.

8:21CV95

ORDER

This matter is before the Court on the Eighth Circuit's request that this court determine if a certificate of appealability is appropriate in this case. [Filing No. 37](#). Pursuant to the Memorandum and Order entered on April 22, 2024, the Petition for Writ of Habeas Corpus was dismissed without prejudice. Such dismissal is subject to reassertion upon certification by the Eighth Circuit Court of Appeals. No certificate of appealability has been, or will be, issued.

Dated this 22nd day of May, 2024.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge